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October 2, 2002

Assistant Commissioner for Patents
United States Patent and Trademark Office
Washington, D. C. 20231

by USPS Express Mail No. ET779182553US

TECHNOLOGY CENTER R3700

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B Ross

Re: Patent Application Number: 09/849,582
Title: Method of Determining Zodiac Signs
Sole Inventor/Sole Applicant: David Andrew D'Zmura (pro se independent inventor)
Examiner: Mr. Kurt Fernstrom
Group Art Unit: 3712

Response to Office Action

Dear Mr. Fernstrom:

Thank you for your Office communication, bearing mailing date of September 10, 2002, containing your Detailed Action relating an Election/Restriction. I have taken careful review of this communication, and have studied the MPEP references therein, via the USPTO website. Please enter my Response to this Office Action, comprising the following items enclosed herein:

- 1) Election with Traverse, having reasoned statement to remove the restriction;
- 2) Amendment to the Claims Subject to Removal of the Restriction Requirement, deleting claims 14 and claim 28 and entering claims 34 and 35 (enclosed).

Additionally, I have taken the opportunity to study the prior art patent references cited in the IPER (Form 409) of my PCT/US00/28838, and have not found the attributes as described therein. I have drafted a memo thereon, which I could provide if you request this from me.

Thank you.

Sincerely,

David Andrew D'Zmura

enc.



Election, with Traverse

Patent Application Number: 09/849,582

Sole Inventor/Sole Applicant: David Andrew D'Zmura (pro se independent inventor)

P. O. Box 2541, Palm Desert CA 92261

Examiner:

Mr. Kurt Fernstrom

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Dear Mr. Fernstrom:

I would like to take this opportunity to file a traverse in my response to your office action bearing mailing date of September 10, 2002 respective my patent application, No. 09/849,582.

Concerning your division and classification of my inventions into the nine groups categorized by you, I draw your attention to the fact that nearly all of them are contained in the one class, 434, Education and Demonstration. In order to make all my inventions subject to your examination within the same class, I would, subject to a removal of the restriction requirement, opt to delete my claim 14, classified in class 368, subclass 15. With respect to Group VIII invention, classified in class 707, subclass 4, I would opt to delete claim 28 from my application. With this removal from my claims of Groups V and VIII, all the remaining invention groupings, and thereby all remaining claims, would therefore fall under the singular patent class of 434.

In heading 2. of your office action, you contend that the inventions are unrelated and provide the reasoning of ¶ 8.20.02 of the MPEP. Expressly stated is "Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects". Granted, in the instant case the different inventions are different types of apparatuses and methods having different functions and purposes, however, the ¶ 8.20.02 is a conditional statement, requiring both aspects of independence to be demonstrated: that they are not disclosed as capable of use together and they have different modes of operation, etc. In the instant case, my specification and drawings are replete with examples of use of my inventions together. For instance, my claim 11 method (Group IV invention) is operative for determination by physical stars by my invented ecliptic coordinate catalogue of the stars in the zodiac constellations (Group II); to create said catalogue, I invented my process for converting equatorial coordinate data (Group I). Further, Group IV is operative for determination by alignment using my method of aligning the zodiac signs (Group III). Group II and Group III inventions provide the data of zodiac signs contained in my Figure 1.

With respect to my Group VI inventions, the Groups II, III and IV factored directly in their construction. To wit, my Figures 7 through 9Ic have their bands marked by the zodiac signs as determined either by Group II or III inventions. Moreover, the plotting of both physical stars, and zodiac symbols configured thereto, I made using the stars' coordinates via Groups I and II.

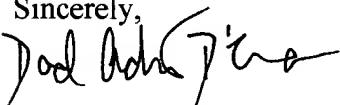
The Group VII inventions relate to astrological tarot, that is, tarot as infused by astrology, expressly, the astrological methods and apparatuses which I invented in Groups I through VI. Whereas I develop a generalized form of correspondence between the tarot's major arcanum and the astrological planets and signs in Figure 12, as well as between the tarot court cards and suits and the astrological qualities and elements, the Figures 12AI, 12B, 12C, 12D and 12G are disclosed using the data of my Group IV invention. Further, in my Figures 15A, 15B and 15C, I disclose the use together of Groups II, III, IV, VI and VIII inventions to provide the data and information utilized therein to form the subject's (myself) profile, interpretation and prediction. My Figure 16 is another example wherein my inventions of Groups II, III, IV, VI and VII were disclosed as capable of use together. Thus, I disclosed my inventions as capable of use together – my Group IX invention is the de facto invented apparatus having my specification and drawings.

I wish to point out that the use of ¶ 8.20.02, according to the MPEP, "is to be used only when claims are presented to unrelated inventions, e.g. a necktie and a locomotive bearing". I do not believe that my set of inventions comprise nearly so disparate an assortment as cited therein.

Subject to your decision to remove the restriction requirement, I would like to add two additional claims which, I believe, would fall under the patent class of 434. First, I would like to enter the horoscope claim which I previously presented for your examination in my priority application, PCT/US00/28838. Second, I would like to enter one further astrological tarot claim. It is my hope, that by removing the claim Groups in classes outside of 434, and that in rendering for your examination a set of claims with which you have previous familiarity and examination (this expressly during the First Written Opinion and IPER phases of my PCT/US00/28838), the burden upon you is thus reduced to a level acceptable to the standards of the USPTO. Thank you.

I elect inventions of Group VI to be examined even though the requirement be traversed, with the remaining claims in my application withdrawn subject to a reversal of the restriction.

Sincerely,



David Andrew D'Zmura